

**ILLINOIS COMMERCE COMMISSION**

**DOCKET No. 22-0431**

**SURREBUTTAL TESTIMONY**

**OF**

**MICHAEL S. ABBA**

**Submitted on Behalf Of**

**AMEREN ILLINOIS COMPANY  
d/b/a Ameren Illinois**

**November 18, 2022**

## TABLE OF CONTENTS

	Page No.
<b>I. INTRODUCTION.....</b>	<b>1</b>
<b>A. Witness Identification .....</b>	<b>1</b>
<b>B. Purpose, Scope and Identification of Exhibits .....</b>	<b>1</b>
<b>II. BUDGET SIZE &amp; FLEXIBILITY .....</b>	<b>4</b>
<b>III. ANNUAL REPORTING AND INDEPENDENT EVALUATIONS .....</b>	<b>8</b>
<b>IV. STAKEHOLDER COLLABORATION.....</b>	<b>13</b>
<b>V. BE PLAN COMPLIANCE FILING .....</b>	<b>14</b>
<b>VI. EQUITY INVESTMENT ELIGIBLE AND/OR LOW-INCOME COMMUNITIES.....</b>	<b>15</b>
<b>VII. COORDINATION WITH STATE AND FEDERAL PROGRAMS.....</b>	<b>21</b>
<b>VIII. CYBER-SECURITY.....</b>	<b>23</b>
<b>IX. LOAD MANAGEMENT AND EV ENERGY MANAGEMENT SERVICES .....</b>	<b>25</b>
<b>X. CONCLUSION .....</b>	<b>26</b>

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**Ameren Illinois**

**I. INTRODUCTION**

**A. Witness Identification**

**Q. Please state your name and business address.**

A. My name is Michael S. Abba, and my business address is 1800 W. Main, Marion, Illinois 62959.

**Q. Are you the same Michael S. Abba who sponsored Direct Testimony and Rebuttal Testimony in this proceeding?**

A. Yes.

**B. Purpose, Scope and Identification of Exhibits**

**Q. What is the purpose of your surrebuttal testimony in this proceeding?**

A. Illinois Governor J.B. Pritzker signed SB2408 on September 15, 2021 (Public Act 102-0662) which includes Section 45, the Illinois Electric Vehicle Act (EV Act or the Act), 20 ILCS 627/45. Section 45 of the Act, subsection (d), pertains to the Beneficial Electrification Plan (BE Plan) and its requirements. My surrebuttal testimony discusses Ameren Illinois' BE Plan budget & flexibility, annual reporting & independent evaluations, stakeholder feedback process, BE Plan compliance filing, equity investment

eligible and/or low-income community qualifications and outreach, coordination with other state and federal programs, cybersecurity, and EV load management.

**Q. Are you sponsoring any exhibits with your surrebuttal testimony?**

A. No.

**Q. Has Ameren Illinois reviewed and considered the recommendations from Staff and Intervenor rebuttal testimony in this docket?**

A. Yes. The Company has reviewed all testimony and exhibits provided by Staff and Intervenor witnesses in this docket, and carefully considered all recommendations and positions offered. The Company appreciates the interest in its BE Plan, and the recommendations and concerns expressed from all parties. As I indicated in my rebuttal testimony, many recommendations, while presumed good intentioned, are narrowly focused on specific interests and fail to consider the broad set of often conflicting requirements that the BE Plan must appropriately balance. Ameren Illinois witnesses Reany, Kilhoffer, Cottrell and I address the majority of recommendations in our surrebuttal testimonies. Given the number of issues and limited timing in this docketed process, if any specific recommendation is not addressed by an Ameren Illinois witness, it does not constitute agreement by Ameren Illinois.

**Q. Has Ameren Illinois' overall approach to its BE Plan changed from its outlined position in Direct and Rebuttal Testimony?**

A. Ameren Illinois has not changed its overall guiding principle: to provide a BE Plan that includes a comprehensive suite of programs that support the objectives and meet the requirements as outlined in the EV Act. However, consistent with Ameren

Illinois' continued collaboration with stakeholders that carried over from the workshop process and now into this contested docket, Ameren Illinois has been responsive to Staff and Intervenor feedback and recommendations, and has incorporated ideas into its BE Plan, where feasible and appropriate. Ameren Illinois has continued to develop its BE Plan with the objective of supporting the State's goal of reaching 1,000,000 EVs by 2030.

**Q. Has Ameren Illinois made changes to its BE Plan based on Staff and Intervenor rebuttal testimony?**

A. Yes. The Company has adjusted individual program budgets and added information to further clarify and modify positions as appropriate within the BE Plan. The Company also withdrew its request to recover BE Plan O&M costs through a separate Beneficial Electrification Plan rider. These changes are explained further by the Company's witnesses.

**Q. In your opinion, does the Company's BE Plan comply with the requirements set forth in the EV Act?**

A. While I am not a lawyer, based on my understanding of the EV Act, the Company has sufficiently complied with the requirements of Section 45 of the Act. With the changes the Company has made to the BE Plan program budgets and certain positions, the proposed surrebuttal BE Plan even more fully addresses the 8 Commission considerations and the 10 items the Plan must address as set forth in Section 45(d) of the EV Act.

65 **Q. What are the conclusions of your surrebuttal testimony?**

66 A. Overall, I conclude that the Commission should approve Ameren Illinois'  
67 surrebuttal BE Plan as presented by Ameren Illinois witness Reany in Ameren Ex. 10.1,  
68 without modification. Further, as supported by the testimony of Ameren Illinois  
69 witnesses Reany, Kilhoffer, and Cottrell, I conclude that the Company's BE Plan is cost-  
70 beneficial and in the public interest. I further conclude that the Company's BE Plan and  
71 the programs therein are designed to satisfy the objectives and requirements outlined in  
72 the EV Act, and further the State's transportation electrification goals reflected in the EV  
73 Act.

74 **II. BUDGET SIZE & FLEXIBILITY**

75 **Q. Did you review the parties' rebuttal testimony related to the topic of the BE**  
76 **Plan budget size and flexibility?**

77 A. Yes.

78 **Q. In your opinion, do the various parties generally agree with the budgetary**  
79 **changes set forth in the Company's rebuttal BE Plan?**

80 A. In general, yes. Only one party, the Attorney General, takes exception to the  
81 changes.

82 **Q. What parties generally agree with the budgetary changes?**

83 A. Staff witness Struck does not oppose the budget increase as long as the resultant  
84 BE Plan continues to meet the requirements of the EV Act, which it does. Staff witness  
85 Jenkins states that his concerns about AIC having the resources necessary to meet  
86 anticipated EV demand were resolved by the budget changes. ChargePoint witness Deal

87 supports a BE Plan with annual budgets closer to the retail rate impact cap. EDF witness  
88 MacDougall did not specifically comment on the budgetary changes in her rebuttal  
89 testimony, but in her direct testimony she did express concern that the Company was  
90 choosing not to spend up to the amount the retail rate impact cap would allow.

91 **Q. What are AG witnesses Borden and Lane's concerns with the budget changes**  
92 **the Company set forth in rebuttal?**

93 A. AG witnesses Borden and Lane express concerns that the increased budgets may  
94 be beyond expected participation levels, and that somehow a higher budget will allow the  
95 Company to collect more dollars from customers than are required to meet statutory  
96 goals.

97 **Q. Do you agree with these concerns?**

98 A. No. As explained in my rebuttal testimony, Ameren Exhibit 5.0, the budget  
99 changes will better support participation levels that will help meet the State's EV goals.  
100 Participation will still drive program expenditures and the associated benefits. The  
101 program dollars will not be expended if the participation does not occur, so there will be  
102 no over collection of dollars as Mr. Borden and Ms. Lane claim. Finally, the BE Plan at  
103 the budget levels and program mix proposed remains cost beneficial and has a positive  
104 customer rate impact.

105 **Q. Are the budget increases reflected in Ameren Ex. 10.1 reasonable and were**  
106 **those changes made in the interest of ratepayers?**

107 A. Yes. A consistent theme throughout the Company's BE Plan, and as outlined in  
108 the EV Act, is that the Company's Plan should be cost-beneficial and in the public

interest, which includes various statutory objectives<sup>1</sup>. Not only is the increase in budget consistent with the statutory retail rate impact calculation, reflected in Table 1 of Ameren Ex. 10.1, but that increase is also consistent with the State's ambitious EV goal. Accordingly, the budgetary increase represented in the Company's surrebuttal BE Plan is reasonable. Further, the budgetary increase is in the public interest, since the increase is necessary to achieve many of the investments and expenditures the statute specifies as investments and expenditures that are in the public interest, including spurring innovation and investment in EV charging equipment, supporting investment in charging infrastructure, electrifying public transportation, and meeting other objectives outlined in the statute.

**Q. Did ICC Staff witness June Poon comment on the Company's acceptance with modifications of her budget flexibility proposal in direct?**

A. Yes. Ms. Poon had no objections to the Commission approving the Company's acceptance and modifications to her budget flexibility proposal.

**Q. Did Ms. Poon make any additional suggestions related to her budget flexibility proposal in her rebuttal?**

A. Yes. She agreed that should the Company want to spend more than its entire Commission-approved BE Plan period budget over the course of the Plan, that the AG's suggested requirement that the Company request Commission authorization may be appropriate. She recommends the prohibition of the shifting of funds from non-pilot programs to pilot programs (should the Company propose such pilot programs within its

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<sup>1</sup> 20 ILCS 627/45(d)



130 BE Plan). She also believes the BE Plan budget for which the Company is seeking  
131 approval should include bill/delivery credits, consistent with the AG's recommendation. I  
132 will address the first two of these below. Ameren Illinois witness Kilhoffer will address  
133 the third in her surrebuttal testimony.

134 **Q. Do you agree with Ms. Poon's suggestion that should the Company want to**  
135 **spend more than its entire Commission-approved BE Plan period budget over the**  
136 **course of the Plan, that the Company request Commission authorization?**

137 A. Yes. While I am concerned about the nature, timing, and extent of the process  
138 that may be required to secure such authorization, in the spirit of cooperation and to limit  
139 contested issues, the Company will request Commission authorization if it intends to  
140 spend more than its entire Commission-approved BE Plan period budget over the course  
141 of the Plan.

142 **Q. Do you agree with Ms. Poon's recommendation to prohibit the shifting of**  
143 **funds from non-pilot programs to pilot programs, should the Company propose**  
144 **such pilot programs within its BE Plan?**

145 A. Yes. Should the Commission approve funding for pilot programs in future BE  
146 Plans, the Company will not shift funds from non-pilot programs to pilot programs.

147 **III. ANNUAL REPORTING AND INDEPENDENT EVALUATIONS**

148 **Q. Have you reviewed the rebuttal testimony of Staff witnesses Mr. Jenkins, Mr.**  
149 **Sanders and Mr. Kierbach, AG witnesses Mr. Borden and Ms. Lane, and EDF**  
150 **witness Ms. MacDougall related to the Company's annual reporting proposal?**

151 **A. Yes.**

152 **Q. What is Mr. Jenkins' rebuttal position related to annual reporting?**

153 **A. Mr. Jenkins stated that the Company adopted the annual report recommendations**  
154 **as described in his direct testimony, and that his concerns on this matter have been**  
155 **resolved.**

156 **Q. What is Mr. Sander's rebuttal position related to annual reporting?**

157 **A. Mr. Sanders stated that the Company's agreement to continue its annual reporting**  
158 **of Rider EVCP, and file those reports in its BE Plan docket, addressed his annual**  
159 **reporting concerns expressed in his direct testimony.**

160 **Q. What is Mr. Kierbach's rebuttal position related to annual reporting?**

161 **A. Mr. Kierbach has modified his position from his direct testimony by removing**  
162 **some EVSE reporting items he believes Ameren Illinois has addressed but is still**  
163 **recommending the Company report on a list of 12 reliability statistics for each public EV**  
164 **charging station that receives incentives from Ameren Illinois.**

165 **Q. Do you agree with the Company collecting this data from charging station**  
166 **operators and reporting this information in the Company's annual BE Plan report?**

167 A. No. Consistent with my rebuttal testimony, and the rebuttal and surrebuttal  
168 testimony of Ameren Illinois witness Bill Reany, the information is not in the Company's  
169 possession or control and the collection of this data is not required by the EV Act. In  
170 addition, it is impractical for the Company to collect or verify the data. Finally, the data is  
171 likely protected information that the Company could not share even if provided by  
172 charging station operators for privacy and security reasons. As a result, such information  
173 should not be required to be reported in the Company's BE Plan annual report.

174 **Q. What is the AG witnesses' rebuttal testimony related to data collection and**  
175 **annual reporting?**

176 A. It is somewhat unclear, but it appears that Mr. Borden and Ms. Lane continue to  
177 advocate for metering, collecting usage data, and reporting on each EV charger that is  
178 supported by the Company's BE Plan. They also claim that the usage data collected from  
179 the service point metering the Company will use for its programs has *de minimis* value  
180 when trying to evaluate the effects of Ameren's programs.

181 **Q. Do you agree with AG's recommendation and assertions?**

182 A. No. Metering and data collection at the level that Mr. Borden and Ms. Lane  
183 suggest is simply not available and is not needed at this time for the programs the  
184 Company is proposing. The value of the service point level metering and usage data that  
185 the Company will collect and has committed to reporting in its annual report is not *de*  
186 *minimis* and will provide valuable information on EV charging patterns. For most of the  
187 Company's proposed programs (Multifamily Facility, Corridor Charging Facility, Public  
188 Charging Facility, and the DS-2 provisions for the Education Facility, Transit Facility,  
189 and Fleet Facility), 90% or more of the connected load must be from charging equipment,

so the service point level metering for all practical purposes will be providing charging usage data. For the residential program, it will also be easy from the whole premise metering data to discern if customers are taking advantage of the bill credits, charging during the preferred charging period, and avoiding the non-preferred charging period. The additional cost of sub-metering and extra data collection and reporting is simply not justified and not needed at this time to gain valuable insights on charging habits.

**Q. What is the EDF witness MacDougall's rebuttal testimony related to data collection and annual reporting?**

A. First, Ms. MacDougall recommends the Company modify the reporting categories on the number of charging sites, charging stations, and ports to include separate data for each sub-program and charging station type. Second, she recommends adding reporting requirements for anonymized and aggregated load profiles for each sub-program (residential, multi-family, education, transit, fleet, corridor, and non-corridor), separated by charger capacity (L2 vs. DCFC) as well as applicable rate design. Third, she recommends adding reporting requirements for average interconnection time for sites, the number of rejected interconnection applications, and a summary of common reasons for rejected applications.

**Q. How do you respond to these recommendations?**

A. Assuming Ms. MacDougall's use of the term "sub-program" is referring to what Ameren Illinois refers to as "programs" within its BE Plan – namely Residential, Multifamily Facility, Education Facility, Transit Facility, Corridor Charging Facility, Fleet Facility, and Public Charging Facility – then the first two recommendations are fully covered by the items that the Company has already committed to report by program

213 as described in my rebuttal testimony, with the exception of separating load data by  
214 charger type since the Company will not have this granular data for service points with  
215 different types of chargers. I disagree with the third item. There is no indication that the  
216 speed of interconnection of charging stations is an issue in the Ameren Illinois service  
217 territory, and this is not an item required by the EV Act, so it is premature and imprudent  
218 to expend resources to track it.

219 **Q. Have you reviewed the testimony of ICC Staff witness Jennifer Morris, Staff**  
220 **Ex. 10.0?**

221 A. Yes.

222 **Q. Ms. Morris' rebuttal testimony takes issue with the Company's proposed**  
223 **modifications to paragraph 6 of the independent evaluator protocol language. What**  
224 **are your thoughts?**

225 A. I understand and share Ms. Morris' continued desire for communication and  
226 collaboration among Ameren Illinois and interested stakeholders related to any  
227 independent evaluation of the Company's Beneficial Electrification Plan. However, I do  
228 not agree with Ms. Morris that the Company's proposed paragraph 6 language detracts or  
229 otherwise reduces stakeholder collaboration. On the contrary, the Company's proposed  
230 paragraph 6 language more efficiently aligns collaboration with the logistics of the BE  
231 Plan reporting and update periods. Ms. Morris' annual report language in paragraph 6 is  
232 unclear, unworkable, and not logistically appropriate. It is unclear which year's annual  
233 report Ms. Morris' language is referencing. Is it the 2026 annual report which will  
234 include the independent evaluation? If so, this will not allow the Company appropriate  
235 time to consider the recommendations of the evaluation and determine if / how best to

incorporate in its BE Plans. In addition, depending on the evaluation's recommendations, many if not most may not be implementable without program changes that would require Commission approval in the next BE Plan Update filing in 2027. To allow the Company time to fully consider the recommendations from the independent evaluation, and provide an avenue to propose any changes to the BE Plan based on the evaluation's recommendations, the Company's proposed paragraph 6 language is appropriate. In its BE Plan, the Company has already committed to meet with stakeholders in April of 2027 to discuss the BE Plan annual report, share thoughts on the 2027 BE Plan update, and receive stakeholder feedback. This would be the appropriate timing and forum to discuss the Company's responses to the independent evaluation.

**Q. Staff witness Mr. King and AG witnesses Mr. Borden and Ms. Lane recommend specific items be included in the independent evaluation. How do you respond?**

A. It is premature to require specific items for the independent evaluation. As stated in the Company's BE Plan, the evaluation plan for the independent evaluation will be informed by input from Ameren Illinois, Staff, and interested parties. As noted by Ms. Morris in ICC Staff Ex. 10.0 at 6:149-150, "details can be worked out with the AG, the evaluator, Ameren, and other stakeholders as part of the collaborative evaluation process", and, "[w]hile it may be possible to identify some components of Ameren's BE Plan to be evaluated at this stage, it is possible issues may arise during the implementation of the BE Plan that may warrant an evaluation focus on those issues." ICC Staff Ex. 10.0 at 6:154-157.

258 **IV. STAKEHOLDER COLLABORATION**

259 **Q. Ms. Morris' rebuttal testimony states that it is important that the Company**  
260 **explicitly share its ideas for program-level budgets with stakeholders on its BE Plan**  
261 **updates. What are your thoughts?**

262 A. I agree that to the extent they are known, the Company can share its initial ideas  
263 for program-level budgets with stakeholders during the stakeholder process outlined in  
264 the Company's BE Plan. In the spirit of cooperation and to reduce the number of  
265 contested issues, in response to Ms. Morris' recommendation the Company has revised  
266 the BE Plan language related to stakeholder feedback as follows (changes underlined and  
267 in red):

268 In addition, in early April of 2024 Ameren Illinois will meet with Staff and  
269 appropriate stakeholders, particularly those that have intervened in this docket,  
270 walk through the information in the annual report, discuss stakeholder feedback  
271 from the MYIGP process, answer questions, and share thoughts on changes or  
272 additions, and ideas for program budgets the Company is considering for the BE  
273 Plan for the July 1, 2024 filing. Ameren Illinois will schedule a second meeting  
274 later in April with stakeholders to receive feedback on the Company's suggested  
275 BE Plan changes and additions, and to solicit ideas and suggestions from  
276 stakeholders. Ameren Illinois will repeat this process for the July 1, 2027 BE  
277 Plan Update filing.

278 **Q. Ms. Morris also continues to recommend the Commission direct Ameren to**  
279 **meaningfully consider stakeholder feedback and work collaboratively with**  
280 **stakeholders in advance of the BE Plan Update filing to reduce the number of**  
281 **contested issues. How do you respond?**

282 A. The Company agrees with Ms. Morris' sentiment, and the stakeholder feedback  
283 process that the Company has committed to in its BE Plan, and Ms. Morris has

recommended the Commission adopt, provides an appropriate avenue to support Ms. Morris' recommendation.

**V. BE PLAN COMPLIANCE FILING**

**Q. Ms. Morris recommends in her rebuttal testimony that the Commission require the Company to file a compliance filing no later than May 1, 2023. Do you agree?**

A. No. While I understand the potential need for a compliance filing, and the Company is open to supporting a reasonable compliance filing process, the timeline Ms. Morris has laid out is simply not reasonable. Although the Company and Staff have worked collaboratively to adjust initial positions and have compromised on many items to reduce contested issues, many varied and conflicting stakeholder positions still remain for the Commission to consider. This could lead to significant changes to the Company's BE Plan proposed in surrebuttal, as Ms. Morris refers to in her testimony, "the extent the Commission directs Ameren to make **significant** changes to its BE Plan and/or Rider EVCP in the Commission's final order", emphasis added, ICC Staff Ex. 10.0 at 15:380-382. Unless the Commission adopts the Company's BE Plan in surrebuttal largely intact, the following may occur: an expected final order as late as March 27, 2023, allowing the Company as little as 14 days to adjust and share a draft of its compliance BE Plan and Rider EVCP with Staff by April 10, 2023; solicit comments from Staff and Intervenors by April 18, 2023; and then submit a final compliance filing by May 1, 2023. This timeline is simply not reasonable. Further, as outlined in the Company's Petition, the Company is not requesting the Commission to approve a modified Rider EVCP in this proceeding. While I am not a lawyer, counsel for the Company has advised me that after



the Commission enters a final order in this proceeding, the Company will file a modified Rider EVCP with the Commission under 220 ILCS 5/9-201(a), with the expectation that the modified Rider EVCP would go into effect after the statutory 45-day moratorium period. Even assuming that the Company filed its modified Rider EVCP the day after the Commission issues its final order, the 45-day moratorium period would not lapse until May 11, 2023. As such, the Company would need significantly more time to submit a compliance filing, especially since it is uncertain the breadth of changes in the BE Plan the Commission may direct the Company to undertake in its final order.

**Q. What compliance filing timeline does the Company propose?**

A. Should the Commission require the Company to submit a compliance filing to reflect the Commission's final order, the Company proposes the following timeline. Ameren Illinois will share a draft of its compliance BE Plan with Staff and Intervenors by May 1, 2023. Staff and Intervenors will provide Ameren Illinois comments by May 8, 2023. Ameren Illinois will submit its compliance BE Plan to the Commission by June 1, 2023. This approach provides a more reasonable timeline to incorporate any modifications the Commission orders to the Company's BE Plan on surrebuttal.

**VI. EQUITY INVESTMENT ELIGIBLE AND/OR LOW-INCOME COMMUNITIES**

**Q. Have you reviewed the recommendations included in the rebuttal testimony of Benjamin King?**

A. Yes.

**Q. Mr. King recommends the inclusion of specific language in AIC's compliance filing to identify participants taking advantage of environment justice community**

330 **programs and incentives to ensure the communities are actually benefiting from**  
331 **AIC's programs. Specifically, Mr. King recommends that Ameren Illinois require**  
332 **recipients claiming to serve eligible and/or low-income communities provide 50% or**  
333 **more services to and/or travel 50% or more through such communities. How do**  
334 **you respond?**

335 A. I understand Mr. King's concern and intent with his recommendation.  
336 Unfortunately, while the EV Act uses these terms, it does not define the terms "serve",  
337 "serving", or "travel through" referring to EV charging infrastructure that supports  
338 environmental justice, low-income, and eligible communities. To address this ambiguity,  
339 in its rebuttal BE Plan the Company added language that would provide the most  
340 flexibility in identifying incentive qualifying charging infrastructure that could be  
341 reasonably expected to "serve" equity investment eligible and/or low-income  
342 communities, as Mr. King notes in his rebuttal testimony. Mr. King's recommendation  
343 would require a stricter criteria for identifying incentive qualifying EV charging  
344 infrastructure that would be more difficult to confirm. As a practical matter, it would be  
345 appropriate for the Company to make the determination if a customer meets Mr. King's  
346 proposed criteria at the time of program application. Any other approach will be more  
347 cumbersome and costly for both the customer and the Company to confirm with little  
348 value added. With this confirmation approach in mind, in the spirit of cooperation, and in  
349 an effort to reduce contested issues, the Company agrees to adopt Mr. King's  
350 recommended language, and has modified its surrebuttal BE Plan as follows (changes  
351 underlined and in red):

352 A new or existing service point would qualify for the equity investment eligible and/or  
353 low-income provisions of programs within this beneficial electrification plan if it is in

354 one of the areas identified above or is the residence of a low-income customer as  
355 identified above. A new or existing service point would also qualify for the equity  
356 investment eligible and/or low-income provisions of programs within this beneficial  
357 electrification plan if it is used to charge vehicles that would reasonably be expected  
358 to provide 50% or more services to and/or travel 50% or more through the areas  
359 identified above, as determined based on information provided by the customer during  
360 the program application process.

361 **Q. Mr. King also recommends that the Commission direct Ameren to ensure its**  
362 **BE Plan marketing materials are competitively neutral with respect to particular**  
363 **EVSE providers, but that favoring ENERGY STAR certified products over**  
364 **uncertified ones is expressly allowed. Do you agree?**

365 A. Yes. Language consistent with this position was added to the BE Plan in rebuttal  
366 on page 10 stating, "All education and outreach programs and materials are designed to  
367 be competitively neutral."

368 **Q. Did you review the rebuttal testimony of Ronaldo Jenkins offered as ICC**  
369 **Staff Ex. 13.0?**

370 A. Yes.

371 **Q. Mr. Jenkins continues to recommend that the Company's BE Plan be**  
372 **modified to include an emission study to map local emission conditions around**  
373 **eligible communities, and that the Commission direct the Company to conduct an**  
374 **emissions assessment of a representative sample of the eligible communities within**  
375 **its service territory. Do you agree?**

376 A. No. Consistent with my rebuttal testimony, while I understand the intent of Mr.  
377 Jenkin's recommendation is to help ensure BE activities are appropriately targeting areas  
378 with above average levels of emissions, the approach for appropriately identifying these  
379 areas is already laid out in the EV Act – namely Environmental Justice (EJ) areas defined

by the Illinois Power Agency (IPA), and Restore, Reinvest, and Renew (R3) areas defined by Cannabis Regulation and Tax Act. Mr. Jenkins offers no additional evidence of the cost nor the value of his recommendation, nor how it would not duplicate existing EJ and R3 methodologies. Mr. Jenkin's recommendation would duplicate efforts performed by the Illinois Environmental Protection Agency, Department of Commerce and Economic Opportunity, Illinois Power Agency, and/or the US Environmental Protection Agency, to the extent that these agencies have an established role in identifying environment justice communities or R3 communities as defined in the EV Act. There is no benefit for Ameren Illinois or our customers to pursue, pilot, or adopt an independent and redundant measurement and assessment of the emissions in our service territory. Therefore, the Commission should reject Mr. Jenkins' recommendation.

**Q. In her rebuttal testimony, EDF witness Ms. MacDougall continues to recommend the Company conduct more outreach to communities. How do you respond?**

A. In her rebuttal testimony, Ms. MacDougall attempts to downplay the past and ongoing electric transportation related community outreach efforts the Company has and will continue to undertake as outlined in its BE Plan, and paints them all with the broad brush of being insufficient without identifying any specific evidence of such. Consistent with my rebuttal testimony, Ms. MacDougall's assertions are simply incorrect. Ms. MacDougall has also completely ignored the customer education and outreach efforts the Company has undertaken since 2021 related to its electric vehicle charging programs, and the additional education and outreach programs outlined in the BE Plan. In her testimony Ms. MacDougall states, "it is important to recognize that community outreach

is not a one-off action to simply fulfill a requirement, but rather a continued relationship-building activity to fully understand and serve a community's needs. It should include discussions with governments, community groups, environmental justice organizations, businesses, and individuals." EDF Ex. 2.0 at 5:67-71. The Company whole-heartedly agrees, and has included such outreach in its programs to date, and in its proposed enhancements to its education and outreach efforts as outlined in its BE Plan, including the proposed Community Engagement and Consultation (CEC) program. In her direct testimony, Ms. MacDougall only references the CEC program as a program the Company would create, and does not mention the CEC program in her rebuttal testimony. However, AG witness Mr. Borden and Ms. Lane correctly identify that "The Community Engagement and Consultant Program is intended to reach out to low-income and EIEC communities and hear their actual needs." AG Ex. 2.0 at 6:89-90. Ms. MacDougall also suggests what education and outreach approaches would be appropriate (EDF Exhibit 2.0 at 6:72-86), without realizing that each item she lists the Company has already put in place or plans to pursue as outlined in its BE Plan. The Company believes continued electric transportation education and outreach, particularly education and outreach efforts in equity investment eligible and/or low-income communities, are crucial to help bring the benefits of electric transportation all our customers and communities. The BE Plan education and outreach programs in effect and proposed appropriately address this need.

**Q. Does Staff witness King discuss the Company's marketing, education, and outreach efforts in rebuttal testimony?**

424 A. Yes. Mr. King recommends the Commission find that the Company's rebuttal BE  
425 Plan contains the required information set forth in Section 45(d)(x) concerning customer  
426 education and outreach (ICC Staff Ex 12.0 at 2:33-34):

427 (x) customer education, outreach, and incentive programs that increase awareness  
428 of the programs and the benefits of transportation electrification, including direct  
429 outreach to eligible communities

430 **Q. In his rebuttal testimony, Staff witness Jenkins does not object to some of**  
431 **Ms. MacDougall's marketing, education, and outreach (ME&O) efforts**  
432 **recommendations from her direct testimony. How do you respond?**

433 A. It is not clear whether Mr. Jenkins considered my rebuttal testimony addressing  
434 Ms. MacDougall's recommendations related to ME&O in her direct testimony (See  
435 Ameren Ex. 5.0 at 28: 631-671), or the education and outreach programs the Company  
436 included in its BE Plan (Ameren Ex. 6.1 at 9-13). When asked what Ameren's response  
437 was to Ms. MacDougall's ME&O recommendations, Mr. Jenkins continued to refer to  
438 Ameren Illinois' witness Bill Reany's testimony (Ameren Ex. 6.0 at 15-16) which is  
439 incorrect and not related to Ms. MacDougall's ME&O recommendations. I agree with  
440 Mr. Jenkins that effective ME&O will be essential for meeting the goals of the EV Act.  
441 As explained in my rebuttal testimony and above, the Company's BE Plan education and  
442 outreach programs in effect and proposed appropriately address customer marketing,  
443 education, and outreach.

444 **Q. Do you have any other concerns related to Mr. Jenkins testimony related to**  
445 **the Company's rejection of Ms. MacDougall's ME&O recommendations?**

446 A. Yes. In addition to mistakenly referring to Ameren Illinois witness Reany's  
447 testimony as responding to Ms. MacDougall's ME&O recommendations, Mr. Jenkins

448 makes the general assertion that "Ameren's insistence that an intervenor recommendation  
449 be accompanied by a cost-benefit analysis in order for Ameren to adopt should be  
450 rejected. The Company alone possesses the information necessary to conduct a cost-  
451 benefit analysis." ICC Staff Ex. 13.0 at 21:480-483. I disagree with the assertion. It  
452 erroneously assumes that Ameren Illinois would have information readily available to  
453 respond to and conduct a cost-benefit analysis on any proposal from any intervenor,  
454 which is simply impractical and inaccurate. It is inaccurate because the Company does  
455 not readily possess all of the data that would form that basis of a cost-effectiveness  
456 analysis. In addition, with such a truncated docket, it is not practical for the Company to  
457 seek out and analyze data that is not readily available. The Company also has the burden  
458 to demonstrate that its BE Plan is cost-effective, prudent and in the public interest; the  
459 Company does not have the luxury of time in this truncated docket, nor does it have the  
460 burden, to perform a cost-benefit analysis on each and every intervenor proposal. While  
461 recognizing it is not practical for the Company to perform this wide and varied analysis,  
462 it is practical, more efficient, and in the spirit of collaboration for intervenors to include a  
463 cost-benefit analysis for their proposals.

464 **VII. COORDINATION WITH STATE AND FEDERAL PROGRAMS**

465 **Q. In its rebuttal testimony, the Company added an appendix summarizing**  
466 **applicable state and federal programs that support electric vehicle charging**  
467 **stations, and how the BE Plan programs compliment, without duplicating, existing**  
468 **state and federal programs. How did Staff witnesses respond to this addition in**  
469 **rebuttal testimony?**

470 A. Staff witness King agreed that adding this information addresses his concerns  
471 expressed in his direct testimony that the Company's BE Plan on direct did not  
472 demonstrate opportunities for coordination with other incentives. (ICC Staff Ex. 12.0 at  
473 18:413-419). Staff witness Jenkins supports the Company's proposals to coordinate BE  
474 Plan program activities with known state and federal EV programs. (ICC Staff Ex 13.0 at  
475 20:411-413).

476 **Q. In his rebuttal testimony, Staff witness Jenkins recommends that the**  
477 **Company address in surrebuttal that the final BE Plan Program design will not**  
478 **provide rebates for charging stations for those public and private organizations and**  
479 **companies as proscribed in the proposed IEPA rules<sup>2</sup>. How do you respond?**

480 A. No rebate programs within the Company's proposed BE Plan duplicate or conflict  
481 with the IEPA Charging Infrastructure Grant Program proposed rules. The IEPA  
482 Charging Infrastructure Grant Program is only applicable to publicly accessible charging  
483 stations, and requires that qualifying charging stations must be accessible to "walk up"  
484 consumers, provide 24 hours per day, seven days per week, customer service and support,  
485 and be able to bill customers and accept multiple payment options for drivers if payment  
486 is required. The Company's proposed rebate programs are not applicable to publicly  
487 accessible charging stations, but specific customer applications to support EV adoption  
488 for equity investment eligible and/or low-income customers and communities.

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<sup>2</sup> [https://ilsos.gov/departments/index/register/volume46/register\\_volume46\\_issue\\_34.pdf](https://ilsos.gov/departments/index/register/volume46/register_volume46_issue_34.pdf)



489 **Q. AG witnesses suggest that AIC's Transit Facility and Education Facility and**  
490 **Driver's Education program rebates may be restricted as duplicative or conflict**  
491 **with the IEPA Charging Infrastructure Grant Program. How do you respond?**

492 A. The Company's proposed Transit Facility, Education Facility, and Drivers  
493 Education program rebates do not duplicate or conflict with the IEPA Charging  
494 Infrastructure Grant Program proposed rules. The IEPA Charging Infrastructure Grant  
495 Program is only applicable to publicly accessible charging stations, and requires  
496 qualifying charging stations must be accessible to "walk up" consumers, provide 24 hours  
497 per day, seven days per week, customer service and support, and be able to bill customers  
498 and accept multiple payment options for drivers if payment is required. The Company's  
499 Transit Facility, Education Facility, and Drivers Education rebate programs are not  
500 applicable to publicly accessible charging stations, but specific applications to support  
501 EV adoption for equity investment eligible and/or low-income communities.

502 **VIII. CYBER-SECURITY**

503 **Q. Did you review Staff witness Harmening's rebuttal testimony?**

504 A. Yes.

505 **Q. Mr. Harmening continues to raise concerns that Ameren Illinois' BE Plan**  
506 **does not adequately address cybersecurity issues, and recommends the Commission**  
507 **direct Ameren Illinois to take an active role in helping to keep the distribution grid**  
508 **reliable and stable into the future by including requirements for cybersecurity in**  
509 **their incentives. How do you respond to this?**

510 A. I continue to disagree that cybersecurity issues related to the proposed electric  
511 vehicle charging programs within the Company's BE Plan are not appropriately

addressed, and with including any utility mandated cybersecurity requirements for charging stations to participate in the Company's programs. While I appreciate and understand Mr. Harmening's continued concern and diligence related to cybersecurity, Ameren Illinois is currently not proposing any direct communication or control of charging stations for which cybersecurity would be Ameren Illinois' primary concern. There is simply no direct cybersecurity threat to Ameren Illinois or the grid by offering the incentives proposed to support Illinois in growing the EV charging infrastructure. The studies that Mr. Harmening cites in his rebuttal testimony are informative, but the threats and risks are remote in the near term for the programs the Company is proposing, considering the current and anticipated EV and charging station adoption in the Ameren Illinois service territory. Any requirements proposed by the Company would also be duplicative and likely conflicting with state and federal grant requirements that are still being developed and may be applied to charging stations. Therefore, it remains premature and unnecessary for the Company to impose cybersecurity requirements on any charging station participating in the BE Plan programs at this time.

**Q. Mr. Harmening further recommends the Commission require AIC continue studying the impact of charging stations on the grid and be prepared to address the cybersecurity of charging stations in future BE Plans. Do you agree?**

A. Yes. Consistent with my rebuttal testimony, Ameren Illinois takes cybersecurity very seriously. The Company will continue to study and monitor the impacts charging stations have on the grid, as well as cybersecurity practices related to charging stations, and be prepared to update future BE Plans as appropriate. The Company will also apply

its rigorous and robust cybersecurity screening processes and procedures to any charging station that will have direct communication to the Company's systems in the future.

**IX. LOAD MANAGEMENT AND EV ENERGY MANAGEMENT SERVICES**

**Q. In his rebuttal testimony, NRDC witness Mr. Nelson continues to recommend the Company (1) develop a standard site evaluation methodology that would be applied to all non-residential EV charging sites to determine if the use of an EV Energy Management System (EMS) can be used to cost-effectively meet the customer's charging needs, (2) ensure that incremental costs for EV EMS be considered eligible costs for rebates, and (3) incorporate EV EMS into the Company's Marketing, Education, and Outreach (ME&O) activities. Do you agree with these recommendations? Please explain.**

A. Consistent with my rebuttal testimony, I continue to disagree with the first two items. It is inappropriate for the Company to conduct an EV EMS analysis for every customer, and for the Company's supplemental extension allowance to apply to behind the meter equipment. Staff witness Kierbach also disagrees with Mr. Nelson's recommendation (1). See Staff ICC Ex. 14.0 at 7:146-157. I continue to agree with Mr. Nelson's recommendation (3) to the extent practical and appropriate. Additionally, Ameren witness Mrs. Kilhoffer's surrebuttal further addresses why the Company continues to reject Mr. Nelson's recommendations surrounding a load management plan.

**Q. Witnesses Jenkins, Kierbach, MacDougall, and Baumhefner all recommend that the Company either address, investigate, and/or undertake various pilot programs relating to load management, EV EMS, sub-metering, and managed**

556 **charging. What are the Company's thoughts on incorporating such pilot programs**  
557 **in its BE Plan?**

558 A. It is premature to investigate or otherwise undertake such pilot programs in this  
559 first of the Company's BE Plans. In these early stages of EV adoption and charging  
560 station deployment in the Ameren Illinois service territory, the current suite of programs  
561 proposed appropriately support the objectives and meet the requirements as outlined in  
562 the EV Act. As outlined in the BE Plan, managed charging pilots are best considered  
563 within the Multi-Year Integrated Grid Plan framework, and will be supported by future  
564 BE Plan filings as appropriate.

565 **X. CONCLUSION**

566 **Q. Is Ameren Illinois' revised Beneficial Electrification Plan cost-beneficial and**  
567 **in the public interest?**

568 A. Yes. The Company has reviewed all direct and rebuttal testimony and exhibits  
569 provided by Staff and Intervenor witnesses, and carefully considered all  
570 recommendations and positions offered. The Company has made numerous program,  
571 information, and process changes to address many of the ICC Staff and Intervenor  
572 recommendations and improve the BE Plan. As explained in Mr. Cottrell's surrebuttal  
573 testimony, the BE Plan remains cost-beneficial and has a positive customer rate impact,  
574 meaning the Plan, as proposed, is expected to put long-term downward pressure on  
575 customer rates and benefit customers. As outlined in Mrs. Kilhoffer's surrebuttal  
576 testimony, the yearly estimated costs of the BE Plan continue to be less than the required  
577 retail rate impact cap. As outlined in Mr. Reany's surrebuttal testimony, the Plan also  
578 includes programs that are designed and reasonably expected to meet the objectives

579 outlined in Section 45(d) of the EV Act that the Commission shall consider and the Plan  
580 must address, so it is also in the public interest and will advance the State's policy goals  
581 for electrification. Above all, the BE Plan, as proposed in surrebuttal, allows Ameren  
582 Illinois to appropriately support the State's EV goals.

583 **Q. Should the Commission approve Ameren Illinois' Beneficial Electrification**  
584 **Plan as proposed in surrebuttal?**

585 A. Yes. The Plan, as proposed in Ameren Illinois' surrebuttal filings, meets the  
586 requirements of Section 45 of the EV Act and should be approved by the Commission,  
587 without modification.